

Serial No. 09/487,558
Art Unit 1636
Examiner K. Davis
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In the Claims

Cancel claims 29-101, without prejudice or disclaimer to the subject matter contained therein.

Amend claim 102 as follows:

102. A genetically modified fungus, wherein the genetically modified fungus has an ability to produce secondary metabolites and the ability of the genetically modified fungus to produce secondary metabolites has been improved by any of the methods of claims 1-13 and 15-27.

REMARKS

Claims 1-28 and 102-103 are pending with this Response. By the present communication, the Specification is amended at page 1 to include a reference to the priority application. In addition, claim 102 is amended for proper multiple dependent claim format. Claims 29-101, are now cancelled, without prejudice, as drawn to the non-elected Groups. These amendments add no new matter to the specification and the claims.

The Examiner is thanked for combining Groups I and II into a single group for prosecution on the merits. The Examiner is requested to reconsider the objections and rejections in view of the amendments and the foregoing remarks.

I. Priority

The specification has been amended to reflect the benefit of priority of the provisional patent application under 35 U.S.C. § 119(e).

II. Sequence Listing

The Office Action requires a submission of the appropriate response to the Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or